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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,274	10/09/2000	Eric Sean Parham	066303.0169	4448
7590	02/17/2004		EXAMINER	
Charles S. Fish, Esq. Baker Botts L.L.P. 2001 Ross Avenue Dallas, TX 75201-2980			LEVITAN, DMITRY	
			ART UNIT	PAPER NUMBER
			2662	8
DATE MAILED: 02/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/685,274	PARHAM ET AL.
	Examiner	Art Unit
	Dmitry Levitan	2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5.7</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

***Information Disclosure Statement***

1. The volume of the information disclosure statement filed 11/28/01 will require unreasonable amount of examiner's time to consider it. It has been placed in the application file, but the information referred to therein has not been considered.

2. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

Provide a description of relevance of each of the references cited in the IDS and identify those references that are of particular relevance to the application. This will allow the examiner to consider the IDS in a meaningful manner.

***Drawings***

3. This application, filed under former 37 CFR 1.60, lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 20. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: TDM Network, IMT T1

trunks, RTP, GR-303, TR-08 T1s. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

- a. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both telecommunication network and IADs;
- b. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate both telecommunication network and IP network.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

6. The abstract of the disclosure is objected to because it is too long. Correction is required. See MPEP § 608.01(b).

7. The disclosure is objected to, because abbreviations or acronyms SIP-T, BICC, Sigtran, Megaco are cited throughout the specification without explanation. Applicant should provide a full explanation for the acronyms at least at their first occurrence in the specification.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 14, it is unclear what is meant by “broadband loop emulation service signaling protocol”, because it is neither defined in the specification nor a well known in the art.

In claim 3, it is unclear what is meant by “provide the signaling information in a media gateway and call session control format to a class 5 softswitch”, because it is neither defined in the specification nor a well known in the art.

In claim 9, it is unclear what is meant by “class 5 softswitch operable to receive signaling information in a network signaling format”, because it is neither defined in the specification nor a well known in the art.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyk (US 6,603,760).

11. Regarding claims 1, 2, 5, 6, 14-16, Smyk teaches:

a system and a method for interfacing between signaling protocols (Fig. 4 and 3:49-62), comprising:

A gateway (gateway 411 and SM 416 on Fig. 4 and 6:10-47) operable to receive signaling information in a media gateway and call session control format (MGCP or H.248 standard 9:20-30 and 8:21-23), the gateway operable to convert the media gateway and call session format to a broadband loop emulation service signaling protocol (9:26-30), the gateway operable to provide some detection capabilities pursuant to the signaling information (7:45-57), including access gateway 408 on Fig. 4 operable to provide tone generation (8:28-35) and additional detecting capabilities pursuant to the signaling information (8:36-47).

Smyk does not teach tone generation and full detecting capabilities at the gateway, as specified in claims 1 and 14.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to move tone generation and full detecting capabilities from an access gateway to the gateway in the system of Smyk to reduce the system cost, because one network gateway supports numerous access gateways, and it is cheaper to concentrate generation and detecting features in a network gateway.

In addition regarding claim 2, Smyk teaches the gateway converting the broadband loop emulation service signaling protocol into media gateway and call session control format (5:10-45).

Regarding claim 3, Smyk teaches the gateway providing the signaling information in a media gateway and call session control format to a class 5 switch (4:5-17).

Regarding claims 9-11, Smyk teaches a class 5 switch (EO 418 and STP 426 on Fig. 4 5:1-4 and 8:56-58), receiving signaling information in SS7 format (8:56-67), converting it to media gateway and call session control format and vice versa (inherently part of the system because SM operates in media gateway and call session control format and operates with class 5 switch) and controlling incoming call requests from a network through the gateway according to the signaling information (8:60-67).

Regarding claims 12, 13, 19 and 20, Smyk teaches the broadband loop emulation service signaling protocol implementing a common channel signaling format and standard (ABCD signaling 8:1-8 and GR-303 6:10-20).

Regarding claim 18, Smyk teaches providing the broadband loop emulation service signaling protocol (3:23-35) to an integrated access device at the customer premises (local loop gateway 309 on Fig. 3b).

12. Claims 4, 7, 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyk.

Smyk substantially teaches all the limitations of claims 1 and 14.

Smyk does not teach using SGCP, SIP, and H.323 as media gateway and call session control formats, as specified in claims 4, 7, 8 and 17.

Official notice is taken that using SGCP, SIP, H.323 as media gateway and call session control formats is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using SGCP, SIP, H.323 as media gateway and call session control formats to the system of Smyk to improve the system compatibility with widely used standards.

### *Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

MacMillan US006278707B1 Platform for coupling a circuit switched network to a data network.

Allen US006389011B2 ATM-based distributed virtual tandem switching system.

Bossemayer US006335936B1 Wide area communication networking.

Bossemayer US006285671B1 Method and system for providing Facsimile service over a digital subscriber line.

DeNap US006490273B1 ATM architecture migration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*DL*  
Dmitry Levitan  
Patent Examiner.  
02/05/04.



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